SUMMARY OF THE OFFICE ACTION

1. Claims 1-17 have been rejected under the Non-Statutory Ground of Obviousness-Type Double Patenting over at least claim 75 of copending U.S. Application 10/910713. The present response contains a Terminal Disclaimer with respect to that Pending Application.

2. Claims 1-16 are rejected under 35 USC 103(a) as unpatentable over Published U.S. Application 20040063482 (Toyoda et al.) when considered with Published U.S. Patent Application 20020147987.

3. Claims 17 is under 35 USC 103(a) as unpatentable over Published U.S. Application 20040063482 (Toyoda et al.), when further considered with U.S. Patent No. 6,731,416 (Hazzard).

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RESPONSE TO THE OFFICE ACTION – ARGUMENTS OF APPLICANT

1. Claims 1-17 have been rejected under the Non-Statutory Ground of Obviousness-Type Double Patenting over at least claim 75 of copending US Application 10/910,713.

A Terminal Disclaimer is herewith with respect to the cited applications. This rejection has been formally removed from the issues in this Office Action.

2. Claims 1-16 are rejected under 35 USC 103(a) as unpatentable over Published U.S. Application 20040063482 (Toyoda et al.) when combined with the teachings of Reynolds et al. (U.S. Published Application 20020147987).

It is first of importance to evaluate this rejection to view the actual limitations of the claims in comparison with the actual teachings of Toyoda et al.

CLAIM 1 OF PRESENT APPLICATION	DISCLOSURE OF TOYODA ET AL. REFERENCE
An automated wagering gaming event system comprising:	SAME
At least two distinct video displays, a first video display for showing a dealer in a card game and at least a second video display showing playing cards to individual players;	SAME
Playing cards to individual players;	SAME
at least one processor for enabling play of the wagering gaming event;	SAME
multiple player positions to enable multiple players to play the game;	SAME
Wherein the at least one processor is connected to at least two distinct feeds of video information so that the processor is fed the at least two different multiple video images and contains software that merges the at least two multiple video images to form a composite image of a dealer against a background,	Rejection assumes capability in any processor. There is no specific disclosure of this capability in Toyoda et al.
at least two separate feeds of video image information connected to sources of different video content that are fed into the processor and are merged in the at least one processor and then displayed on the first video display;	Rejection assumes capability in any processor, but reference does not teach feed from separate image databases ON THE FIRST VIDEO DISPLAY (the virtual dealer display). The background and merged image of Toyoda et al. is only on the card display. The Background images of the Toyoda et al. card display is no more than a static background image of a table.
Wherein the background comprises at least one dynamic image.	Rejection assumes capability in any processor. The Toyoda et al. background

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| | image display is STATIC, not dynamic. |

The rejection essentially asserts that the recitation of the processor functionality is essentially only a recitation of the innate ability of a processor (such as shown by Toyoda et al.) in combination with the multiple viewing screens also shown by Toyoda. The claims were previously amended to include structural content of the processor and all essential additional hardware in addition to the elements already claimed..

All independent claims previously have been amended so that additional structure used in the enablement of the system and originally disclosed in the Application (generally and, for example, page 50) is recited in the claims. These structural elements added with the amendments recite specific structural features, feeds, connections, live video cameras, software in the at least one processor to merge separate feeds of video information, etc.

As the rejection over Toyoda et al. was based upon a concept of inherent capability of the system (asserted to have previously contained no structure that was not taught by Toyoda et al.) and as the claims now do recite structure that is not taught by Toyoda et al. (see the limitations added to the claims), the rejection is in error.

Equally important is the fact that Toyoda et al. shows only a static background for the playing cards (e.g., a simulated surface that remains stationary), while the claims recite that in the present invention, "...**the background comprises at least one dynamic image.**" There is no disclosure or enablement of a merged dealer image, or a merged image with the background including at least one dynamic image. The rejection fails to establish that the invention as a whole as claimed is obvious from the teachings of the art.

There are significant commercial and technical advantages and differences from the system as claimed and that shown by Toyoda. By enabling a dynamic feed into the dealer image, live feeds from the casino environment, local sights, sporting events, and unique "themed" background imagery may be fed into a standard dealer image format. As the play of the game remains the same for a dealer image and the rules of play, the gaming units may be tailored for use for each casino or different events by feeding a dynamic image into the background of the dealer. For example, the Venetian in Las Vegas, Nevada may have the identical dealer image, but feed a dynamic display of the gondola rides as a background. With the identical dealer image at the Paris, a

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background of the Champs Elysses may be displayed to maintain the casino ambiance. The ability to supply dynamic background feeds into the dealer image display enables the supplier to provide a standard game uniquely compatible with specific casinos and locations at very low costs. This is not disclosed by Toyoda et al., and is a non-obvious limitation of the invention.

Applicants have reviewed the specification of Toyoda et al. and do not find separate video feeds to the **dealer image**, do not find disclosure of separate video feeds **of the dealer and a dynamic background** to a processor, simultaneous feeding of video image data to a processor, software enabling merging of separate video feeds, and the like.

No live feed is present in Toyoda et al. The U.S. Patent and Trademark Office PAIR system has been accessed and the pending amended claim 2 also has no reference to live feed.

Although the Examiner has cited a number of Court and Board of Appeals decisions on the issue of "…the absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation…," the reliance on the general statements of the cases does not address the issues here. In the operation of the present technology, and as recited in the claims, there is software recited in the claims that performs the functions described. The cases do not support either inherency or obviousness of functionality from the mere presence of a processor, since specific software is required top perform these tasks, and the presence of that software is recited in the claims. To assert that all functionality is inherent in a processor, in the absence of a showing of that functionality in the art and the software to accomplish that functionality is error. Additionally, there is no motivation from the art of record to provide that functionality and provide that software.

The teachings of Reynolds do not cure the deficiencies of Toyoda et al. A review of the specification of Reynolds also shows that the only use of "live" is with respect to areas where people live, and there is no disclosure of a live feed combined in the dealer display. In that regard, both Toyoda et al. and Reynolds fail to show this limitation.

Reynolds shows providing two sources of video images, from different locations, combining the sources of video information at a specific site, and then forwarding that composite image to a separate location to display the combined image. This is specifically described as:

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0011] The present invention may therefore comprise a method of locally generating a composite video signal at a viewer location comprising: generating a first video signal; generating a second video signal; generating a presentation description at a location that is remote from the viewer location; **transmitting the presentation description to the viewer location; transmitting the first video signal and the second video signal as multiple video signals to the viewer location;** generating control signals from the presentation description; and combining the multiple video signals in accordance with the control signals to produce a composite video signal, the composite video signal comprising a portion of the first video signal and a portion of the second video signal wherein the portion of the first video signal and the portion of the second video signal are displayed simultaneously. (**Emphasis added**)

Reynolds does not show a stored image content at a gaming location, provision of a second image at the same gaming location, combining the images at the gaming location, and displaying the images at the same gaming location wherein the combined images are of a dealer in a game and a dynamic background. Note for instance the detail and specificity of claims 7-10 with regard to even the storage of the image signals. The disclosure of Reynolds teaches away from the system recited in these claims as it appears to be more of a central service for providing combined images at distinct and different locations from a single processor source of combined images.

It is also not seen that Reynolds specifically shows dynamic images as the background image, and clearly does not show dynamic background images combined in a gaming apparatus, at the gaming site as the backdrop for a dealer in a casino multiplayer wagering game.

As neither reference enables or teaches the limitation of a dynamic background feed, the rejection must fail as a matter of law and as a matter of the facts in the rejection.

It is to be further noted that these types of limitations are present in other independent claims, such as claim 3 wherein there is the further distinguishing limitations of:

"wherein at least one of the processors is transmission connected to separate feeds for at least three different sets of video image data and **the at least one processor has software therein that is executed and merges the at least three multiple video images to form a composite image of a dealer against a background,**

a feed to the first video display screen that carries the composite image;

the processor having a file source enabling feeding at least one set of video image data as a mask layer and at least

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one other set of video image data as an auxiliary dynamic background image for display of the merged image. (emphasis added)

Neither Toyoda nor Reynolds discloses these aspects of the claimed invention in their respective or collective disclosures.

It is to be further noted that claims 12-14 all contain limitations as to structure in the device that is not disclosed by Toyoda et al. and is not taught by Reynolds (which is not event relevant to the gaming table structure of the claims). The limitations of technical import are:

"...each player position has an individual player processing board dedicated to that position..."

There is no art of record and applicants are not aware of any art that teaches this limitation. The player positions have player input function, but all processing function is performed elsewhere in the system, and none is performed separately at each player position. For example, look at FIG. 2, which clearly shows button or touchscreen entry, signals sent through interface circuit sets to other processors. There is no processor dedicated to each of the player positions shown in this configuration or elsewhere disclosed by Toyoda. This feature is novel and unobvious over any disclosure used in the rejection.

Individually and collectively, the combination of references fails to teach the subject matter claimed as a whole.

3. Claims 17 is under 35 USC 103(a) as unpatentable over Published U.S. Application 20040063482 (Toyoda et al.) in view of Reynolds et al. (U.S. Published Application 20020147987), when further considered with U.S. Patent No. 6,731,416 (Hazzard).

This rejection must fail at least for the reasons presented directly above with respect to the rejection of claims 1-16 under 35 USC 103(a) over Toyoda et al. in view of Reynolds et al. (U.S. Published Application 20020147987).

Even if Hazzard does show the structure for which it is cited (the screen guard), it does not show the structural features that have been shown to be absent from Toyoda et al. in view of Reynolds with respect to the claims from which claim 17 depends. This rejection must be withdrawn.

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CONCLUSION

All rejections have been shown to be overcome by the previously submitted Terminal Disclaimer or by previous Amendment. All rejections should be withdrawn, all claims should be allowed and the Application passed to Issue. If the Examiner believes that some issues may be further overcome by an interview with the Attorney of Record (either by telephone or in person), the Examiner is respectfully requested to call the attorney of record at **952.832.9090** (CST) at his convenience.

Respectfully submitted,

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Date: 13 AUGUST 2007   By: _____

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being sent by facsimile to the US Patent and Trademark Office addressed to: Mall Stop: AMENDMENT. Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 13 AUGUST 2007 .

Mark A. Litman
Name   Signature

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